

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Athletic Training
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Athletic Training
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.603
RULE TITLE: Food Stamp Program Income and Expenses

PURPOSE AND EFFECT: The proposed rule amendment amends the standard utility allowance, the basic utility allowance and the telephone standard.

SUMMARY: The proposed rule amendment amends the amounts of the utility standards.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.31 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: November 2, 2009, 1:30 p.m.
PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291, cindy\_keil@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.603 Food Stamp Program Income and Expenses.

(1) No change.

(2) Standard Utility Allowance. A standard utility allowance (SUA) of \$317 \$198 must be used by AGs who incur or within the certification period expect to incur heating or cooling expenses separate and apart from their rent or mortgage and by AGs who receive direct or indirect assistance authorized under the Low Income Home Energy Assistance

Act of 1981. Actual utility expenses are not allowed. Any additional utility expenses, including the telephone standard, are not used.

(3) Basic Utility Allowance. A basic utility allowance (BUA) of \$258 \$173 must be used by AGs who do not incur heating or cooling expenses, but do incur utility expenses such as electricity, fuel, water, sewerage, or garbage pickup, separate and apart from their rent or mortgage. Actual utility expenses are not allowed. Any additional utility expenses, including the telephone standard, are not used.

(4) Telephone Standard. A telephone standard of \$32 \$29 must be used by AGs who incur only a telephone expense. Actual telephone expenses are not allowed. Any additional utility expenses, including the SUA or BUA, are not used.

(5) No change.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.31 FS. History--New 1-31-94, Formerly 10C-1.603, Amended 1-12-99, 5-25-03, 8-22-05, 2-17-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nathan Lewis
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: George H. Sheldon
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 24, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 28, 2009

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-15.0081
RULE TITLE: Toll Facilities Description and Toll Rate Schedule

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly. The date for the public workshop to be held in regards to Rule 14-15.0081, published in Vol. 35, No. 35, the Sept. 25, 2009 F.A.W. will be held on Nov. 17, 2009. The time and places will remain the same, except for District 7. The workshop which will be in the auditorium and not the executive conference room.

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-100.005
RULE TITLE: Tolls Enforcement

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly.

The date for the public workshop for Rule 14-100.005, published in Vol. 35, No. 38, the September 25, 2009, issue of F.A.W. will be held on Nov. 17, 2009. The time and places will remain the same, except for District 7. The District 7 workshop will be held in the auditorium and not the executive conference room as previously announced.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                   RULE TITLE:  
33-602.201                   Inmate Property

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:                   RULE TITLE:  
59G-4.200                   Nursing Facility Services

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 18, May 8, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Technology Program**

RULE NO.:                   RULE TITLE:  
60FF-5.001                   Requirements for Sworn Invoices  
   Submitted by or on Behalf of  
   Wireless Service Providers

**NOTICE OF CHANGE**

Notice is hereby given that the following correction has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 25, of the June 26, 2009, issue of the Florida Administrative Weekly. The change is in response to concerns by the Joint Administrative Procedures Committee in a letter dated July 7, 2009 and modifications made by the Board at the hearing on September 19, 2009. No Statement of Costs was prepared. The Board determined the proposed rule will not have an impact on small businesses at their meeting on January 14, 2009. The change is as follows:

60FF-5.001 Requirements for Sworn Invoices and Cost Recovery Proposals Submitted by or on Behalf of Wireless Service Providers.

(1) All wireless service providers seeking reimbursement for actual costs incurred to provide 911 or E911 service pursuant to Section 365.173(2)(d), F.S., shall complete and submit a sworn invoice containing the following:

- (a) The service provider's name and address;
- (b) The date of the invoice;
- (c) The service period for which reimbursement is sought;
- (d) Itemization of non-recurring charges for which reimbursement is sought, including:

- 1. Description of each item;
- 2. Quantity of each item provided;
- 3. Unit cost of each item; and
- 4. Total cost of each item.

(e) Itemization of monthly recurring charges for which reimbursement is sought, including:

- 1. Description of each item;
- 2. Quantity of each item provided;
- 3. Unit cost of each item; and
- 4. Total cost of each item.

(f) Itemization of other recurring charges for which reimbursement is sought, including:

- 1. Timing of each recurring item, e.g., annual, quarterly, I-monthly, etc.;
- 2. Description of each item;
- 3. Quantity of each item provided;
- 4. Unit cost of each item; and
- 5. Total cost of each item.

(g) Totaled Phase I recurring charges, Phase I non-recurring charges, Phase II recurring charges and Phase II non-recurring charges.

(h) Total amount of reimbursement sought in the invoice;

(i) The following certification: "I hereby certify that the foregoing statements are true and correct, and that no material fact has been withheld or concealed from the E911 Board"; and

(j) The dated and notarized signature of the person submitting the invoice.

(2) Payment will be made to the order of the provider only.

(3) Vendors need to register at the [myfloridamarketplace.com](http://myfloridamarketplace.com) as a vendor doing business with the State of Florida in order for the E911 Board to generate a warrant.

(4) Each wireless provider seeking reimbursement under Section 365.173(2)(d), Florida Statutes, shall submit a cost recovery proposal to the E911 Board by August 1 of each year detailing the estimated anticipated capital and operating expenses during the ensuing state fiscal year, including:

(a) Itemization of estimated non-recurring charges for which reimbursement will be sought;

(b) Itemization of estimated monthly recurring charges for which reimbursement will be sought;

(c) Itemization of other estimated recurring charges for which reimbursement will be sought;

(d) Totaled Phase I recurring charges, Phase I non-recurring charges, Phase II recurring charges and Phase II non-recurring charges; or

(e) Total estimated amount of reimbursement sought.

(5) In order to be eligible under Section 365.173(2)(d), Florida Statutes, for cost recovery during any ensuing state fiscal year, a wireless provider must submit all sworn invoices complying with Rule subsection (1) for allowable purchases made within the previous calendar year no later than March 31 of the fiscal year.

(6) The Board shall submit to the Legislature, by September 15 of each year, its legislative budget request for funds to be allocated to wireless providers under section 365.173(2)(d), Florida Statutes, during the ensuing state fiscal year.

(a) The Board's legislative budget request shall be based on the cost recovery proposals submitted by the wireless providers and estimated surcharge revenues.

(b) The requirement that a wireless provider timely submit its cost recovery proposal by August 1 of each year in compliance with Section 365.173(2)(d), Florida Statutes, is mandatory in order to enable the Board to timely prepare and submit its legislative budget request to the Legislature by September 15 of each year.

(6) A wireless provider that fails to timely submit its cost recovery proposal in accordance with Rule subsection (4) for the ensuing state fiscal year shall be deemed ineligible pursuant to Section 365.173(2)(d), Florida Statutes, and thereby precluded from any cost recovery during the ensuing state fiscal year.

(7) A wireless provider deemed ineligible for cost recovery in the ensuing state fiscal year for failure to timely file its cost recovery proposal may request reinstatement of its eligibility by showing good cause in writing explaining in detail the facts and circumstances purporting to excuse its noncompliance. The wireless providers representative will be permitted to appear either in person or via teleconference at the next available Board meeting to present its position and answer any questions from the Board. The Board, in the exercise of its powers enumerated in Section 365.172(6), Florida Statutes, shall consider the facts and circumstances and determine whether relief is justified to avoid imposition of a substantial hardship or a violation of the principles of fairness, and whether relief would serve the purpose of Sections 365.172, 365.173, 365.174 and, particularly, Section 365.173(2)(d), Florida Statutes, and whether relief can be granted without causing an impediment to recovery by providers who have timely submitted.

Rulemaking Authority 365.172(6)(a)11. FS. Law Implemented 365.173(2)(d) FS. History--New \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John C. Ford, Chair, 4030 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-27.0041  
 RULE TITLE: One Year of Work Experience  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 30, July 31, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (4) shall now read as follows:

(4) Documentation of the one year of work experience shall be made using the Certification of Work Experience form (DBPR Form CPA 32/Revised 09/09), which is hereby incorporated by reference, a copy of which may be obtained from the Board office located at 240 N.W. 76th Drive, Suite A, Gainesville, FL 32607-6655.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-33.001  
 RULE TITLE: Certified Public Accountants  
 Required to Comply with this Chapter

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (3) shall now read as follows:

(3) See Rule 61H1-33.006, F.A.C., for reinstatement of inactive Florida certified public accountants who desire to become active Florida certified public accountants and the requirements related to continuing professional education.

This Notice of Change does not affect the changes made in the previous Notice of Change published on September 11, 2009, in Vol. 35, No. 36, of the Florida Administrative Weekly. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-33.003                      RULE TITLE: Continuing Professional Education

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

- (1) Subsection (5)(a)3. shall now read as follows:
  - 3. Continuing professional education credit for instructing a higher education course shall be twice the credit which would have been granted participants for the first presentation of a specific course of program, the same as the credit granted a participant for the second presentation and none thereafter, except as permitted by subparagraph 61H1-33.003(5)(b)4., F.A.C.
- (2) Subsection (5)(b)3. shall now read as follows:
  - 3. Instructors, lecturers, panelists and discussion leaders for professional development courses and formal organized in-firm educational programs shall be credited for continuing professional education purposes at twice the credit granted participants for the first presentation of a specific course or program, the same as the credit granted a participant for the second presentation and none thereafter, except as permitted in subparagraph 61H1-33.003(5)(b)4., F.A.C. Co-panelists and co-discussion leaders shall be credited for the portion of specific course or program they must prepare to discuss and lead as a co-panelist or co-discussion leader.
- (3) Subsection (5)(b)4. shall now read as follows:
  - 4. To the extent course content has been substantially revised, the revised portion shall be considered a first presentation for the purposes of subparagraph 61H1-33.003(5)(b)3., F.A.C.
- (4) Section 120.55(1)(a)4. will be removed from Rulemaking Authority.

This Notice of Change does not affect the changes made in the previous Notice of Change published on September 11, 2009, in Vol. 35, No. 36, of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-341.417                      RULE TITLE: General Permit for Construction, Alteration, Operation, and Maintenance of Boat Ramp Facilities

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 25, June 26, 2009 issue of the Florida Administrative Weekly.

- 62-341.417 General Permit for Construction, Alteration, Operation, and Maintenance of Boat Ramp Facilities.
  - (1) through (2) No change.
  - (3) Construction of the boat ramp is limited as follows:
    - (a) through (b) No change.
    - (c) No change.
      - 1. No change.
      - 2. The proposed boat ramp facility must have a kiosk or permanent information display board providing information on manatee protection and applicable ~~or the~~ manatee zones as adopted in Chapter 68C-22, F.A.C., [effective date] for that county ~~and must follow the standard manatee construction conditions for in-water work.~~
      - 3. The owner of the boat ramp shall be responsible for ensuring that all construction of the boat ramp complies with the following:
        - a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
        - b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.

d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission Hotline at 1(888)404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1(904)731-3336) for north Florida or Vero Beach (1(772)562-3909) for south Florida.

f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities: one a "Caution: Boaters" sign and another a "Caution: Shutdown" sign each following the format, size, and placement requirements shown on the Florida Fish and Wildlife Conservation Commission website: [http://www.myfwc.com/docs/WildlifeHabitats/Manatee\\_EducationalSign.pdf](http://www.myfwc.com/docs/WildlifeHabitats/Manatee_EducationalSign.pdf).

(d) No change.

(4) ~~The following criteria only apply to governmental entities:~~ Any new construction of upland parking or other impervious surface associated with boat ramps for single-family, multi-family, and commercial entities pursuant to paragraph (1)(a), (b), or (c) is subject to the permitting requirements and criteria in Chapter 40B-4, 40B-400, 40C-4, 40C-40, 40C-42, 40D-4, 40D-40, 40E-4, 40E-40, 62-330, or 62-346, F.A.C.

(5) The total impervious surface in uplands that is subject to vehicular traffic associated with a boat ramp for a governmental entity pursuant to paragraph (1)(d) shall not exceed 1.2 acres. Before operating any portion of such a boat ramp facility that contains 4,000 square feet or more impervious surface subject to vehicular traffic, a stormwater management system meeting all of the following requirements must be constructed and fully operational.

(a) through (g) No change.

(h) The duration of the general permit for the activities authorized in this subsection is five (5) years for construction or alteration, and permanent for operation and maintenance of the surface water management system.

(6)(5) Commercial or governmental entities proposing to construct a boat ramp pursuant to paragraph (1)(c) or (d) shall execute and record in the public land records of the county in

which the boat ramp is located a fully executed binding agreement in favor of and acceptable to the Department ensuring that the facility will remain open to the general public for the life of the facility. Commercial entities shall execute and record the Agreement to Maintain Public Access [effective date], incorporated herein as Form 62-341.417(1) ensuring the facility will remain open to the general public for the life of the facility. Governmental entities shall execute and record the Agreement to Maintain Public Access and Operate Stormwater System [effective date], incorporated herein as Form 62-341.417(2) ensuring the facility will remain open to the general public for the life of the facility and to ensure that the stormwater management system associated with the boat ramp will be operated and maintained for the life of the system.

(7)(6) No change.

Rulemaking Specific Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.118(5), 373.406(5), 373.413, 373.414(1), 373.414(9), 373.416, 373.418, 373.426 FS. History—New 10-3-95, Amended \_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED CHANGE IS: Mary VanTassel, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources, MS 2500, 2600 Blair Stone Road, Tallahassee, FL 32399-2400, telephone (850)245-8486, or e-mail: [Mary.VanTassel@dep.state.fl.us](mailto:Mary.VanTassel@dep.state.fl.us). Further information and updates on this proposed rule also may be obtained from the Department's Web Site at [http://www.dep.state.fl.us/water/rules\\_dr.htm#erp](http://www.dep.state.fl.us/water/rules_dr.htm#erp). (OGC No. 05-1659)

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-9.001  
 RULE TITLE: Biennial Licensing  
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The correct date on which the notice of rule development was published in the FAW was July 17, 2009.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE NOTICE IS: Lola Pouncey, Bureau Chief, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3255

**DEPARTMENT OF HEALTH**

**Office of Statewide Research**

RULE NO.: 64H-2.002  
 RULE TITLE: Institutional Review Board Applications

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 25, June 26, 2009 issue of the Florida Administrative Weekly.

Subsection (1) now reads: Requests for Institutional Review Board review shall be submitted electronically using the Department’s electronic system. For access to the Department’s electronic system, contact the Office of Public Health Research, Florida Department of Health, (850)245-4585. Payment shall be remitted to the Office of Public Health Research, Department of Health, 4052 Bald Cypress Way, Bin #A-24, Tallahassee, Florida 32399, (850)245-4585.

Subsection (4) now reads: Requests for review of studies involving only confidential information, and where there is no direct intervention or interaction with human subjects, and where the information is collected by the Department under statutory authority that provides for release of identifiable private information for research purposes shall be charged according to the following schedule:

Subsection (5)(c) was published in error in Vol 35, No 30, July 31, 2009 issue of the Florida Administrative Weekly. Paragraph (5)(c) correctly reads: Continuing Reviews \$1,000.

Subsection (7) now reads: Fees do not apply for non-research determinations or studies that are exempt per 45 CFR 46.101(b), June 23, 2005.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67-37.002	Definitions
67-37.005	Local Housing Assistance Plans (LHAP)
67-37.006	Review of Local Housing Assistance Plans and Amendments
67-37.007	Uses of and Restrictions Upon SHIP Local Housing Distribution Funds for Local Housing Assistance Plans
67-37.008	Local Housing Assistance Trust Fund
67-37.010	Local Affordable Housing Advisory Committees and Incentive Strategies
67-37.011	Interlocal Entities
67-37.019	Compliance Monitoring for Housing Developed With SHIP Local Housing Distribution Funds

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule as advertised on August 21, 2009, indicates that the agency head for the Corporation approved the proposed rule on June 5, 2009 at the Board of

Directors’ meeting, but it lists Robert Dearduff, SHIP Program Administrator as the Name of the Agency Head Who Approved Proposed Rule. The correction should reads as follows:

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Directors

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NOS.:	RULE TITLES:
68B-8.002	Definitions
68B-8.003	General Conditions and Restrictions
68B-8.006	Scientific Research Special Activity License
68B-8.007	Education/Exhibition Special Activity License
68B-8.009	Prohibited Species Collection Criteria
68B-8.010	Stock Collection and Release Special Activity License
68B-8.011	Aquaculture Broodstock Collection Special Activity License
68B-8.012	Snook Special Activity License
68B-8.013	Non-Conforming Gear Special Activity Licenses and Exemptions

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 53, December 31, 2008 issue of the Florida Administrative Weekly.

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3) (d)1., F.S., published in Vol. 34, No. 53, December 31, 2008 issue of the Florida Administrative Weekly.

These changes are being made to delete language that was developed to clarify aquaculture activities that needed to be licensed and update new incorporation dates for policies and application forms.

New subsection (21) was deleted and subsequent subsections have been renumbered, and incorporation dates have been updated to read:

68B-8.002 Definitions.

(1) through (20) No change.

~~(21) “Release” means the intentional or unintentional introduction, reintroduction or relocation of eggs or organisms that have been held in captivity, into waters of the state, including municipal waters.~~

~~(21)(22)~~ “Scientific research” means an activity that uses marine organisms to conduct one or more of the following:

(a) through (b) No change.

(c) Restoration activity that facilitates mitigation or recovery of hard bottom marine organisms and includes subsequent monitoring to measure the success of the restoration effort. Restoration activities do not include oyster relay activities authorized pursuant to Section 597.010, F.S.

(22) through (26) No change.

Subsection (7) has been amended to read:

68B-8.003 General Conditions and Restrictions.

(7) RELEASE OF MARINE ORGANISMS. No marine organism that has been maintained in captivity shall be released unless the release is authorized by a SAL or FMSEA Certification or the release is conducted in accordance with the “Florida Fish and Wildlife Conservation Commission Policy on the Release of Marine Organisms, September 2009” which is hereby adopted as a rule of the Commission and is incorporated herein by reference. However, the release restrictions of this subsection do not apply to:

(a) No change.

(b) The use of a marine organism for bait, ~~provided that the bait is not an aquacultured product.~~

(c) No change.

~~(d) Releases associated with aquaculture activities or aquacultured products that have the potential to impact wild stocks (e.g. net pens, aquacultured bait), provided that the FWC has entered into a written agreement with the Department of Agriculture and Consumer Services that addresses how the conduct of such activities will be governed in a manner that preserves the health and genetic diversity of the wild stock native to Florida waters and the adjacent EEZ.~~

Paragraph (3)(b) has been amended to reflect the new application incorporation date as follows:

68B-8.006 Scientific Research Special Activity License.

(3) FEES AND APPLICATION.

(a) No change.

(b) An applicant for a Scientific Research SAL must complete and submit a Scientific Research SAL application form provided by the Commission (Form DMF-SRSAL (9/09 2/09)).

Paragraph (4)(b) has been amended to reflect the new application incorporation date as follows:

68B-8.007 Education/Exhibition Special Activity License.

(4) FEES AND APPLICATION.

(a) No change.

(b) An applicant for an Education/Exhibition SAL must complete and submit an Education/Exhibition SAL application form provided by the Commission (Form DMF-ESAL (9/09 2/09)).

Subparagraph (4)(b)10. has been amended to reflect a new incorporation date as follows:

68B-8.009 Prohibited Species Collection Criteria.

(4) EVALUATION CRITERIA.

(b) In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for an Education/Exhibition SAL involving prohibited species will be evaluated based on the following criteria:

1. through 9. No change.

10. Whether or not the requested collection is consistent with the “Florida Fish and Wildlife Conservation Commission Marine Prohibited Species Policy, September February 2009” which is hereby adopted as a rule of the Commission and is incorporated herein by reference.

Subsection (1) has been amended, new subsection (2) was deleted and subsequent subsections have been renumbered, and incorporation dates have been updated to read:

68B-8.010 Stock Collection and Release Special Activity License.

(1) PURPOSE. The purpose of a Stock Collection and Release SAL is to ensure that activities which involve the collection of broodstock or wild stock and the release of captive-bred offspring or captive-reared wild stock for scientific research, stock enhancement, or stock restoration; ~~put and take fisheries, purposeful introductions or aquaculture~~ purposes are conducted in a manner that preserves the health and genetic diversity of the wild stock native to Florida waters and the adjacent EEZ. Scientific research, stock enhancement, or stock restoration, ~~put and take fisheries, purposeful introductions or aquaculture~~ activities that are conducted to fulfill mitigation requirements established by other state or federal agencies are not exempt from the provisions and requirements of this rule.

~~(2) EXEMPTIONS. Releases associated with aquaculture activities or aquacultured products that have the potential to impact wild stocks (e.g. net pens, aquacultured bait) will not require authorization pursuant to a Stock Collection and Release SAL provided that the FWC has entered into a written agreement with the Department of Agriculture and Consumer Services that addresses how the conduct of such activities will be governed in a manner that preserves the health and genetic diversity of the wild stock native to Florida waters and the adjacent EEZ.~~

~~(2)(3) FEES AND APPLICATION.~~

(a) No change.

(b) An applicant for a Stock Collection and Release SAL must complete and submit a Stock Collection and Release SAL application provided by the Commission (Form DMF-SCRSAL (9/09 2/09)).

~~(3)(4) EVALUATION CRITERIA.~~ In addition to the evaluation criteria set forth in subsection 68B-8.004(2), F.A.C., an application for a Stock Collection and Release SAL will be evaluated via genetic risk assessment using the flowchart entitled, “Decision Process for the Genetic Risk Assessment of Release Activities Involving Marine Organisms, September February 2009” (which is hereby adopted as a rule of the Commission and is incorporated herein by reference) and

based on information contained in the applicant's Hatchery and Genetic Management Plan (HGMP) that must be submitted as part of the application process. The information requested in the HGMP is designed to address four primary genetic concerns: potential impacts from translocations of non-indigenous genes, potential impacts from propagation-related genetic changes in cultured fish, potential impacts from excessive genetic input into natural populations, and indirect genetic impacts.

(5) through (6) renumbered (4) through (5) No change.

Paragraph (3)(b) has been amended to reflect the new application incorporation date as follows:

68B-8.011 Aquaculture Broodstock Collection Special Activity License.

(3) FEES AND APPLICATION.

(a) No change.

(b) An applicant for an Aquaculture Broodstock Collection SAL must complete and submit an Aquaculture Broodstock Collection SAL application provided by the Commission (Form DMF-ABCSAL (9/09 ~~2/09~~)).

Paragraph (3)(b) has been amended to reflect the new application incorporation date as follows:

68B-8.012 Snook Special Activity License.

(3) FEES AND APPLICATION.

(a) No change.

(b) An applicant for a Snook SAL must complete and submit a Snook SAL application form provided by the Commission (Form DMF-SSAL (9/09 ~~2/09~~)).

Paragraphs (5)(c) and (8)(c) have been amended to reflect the new application incorporation date as follows:

68B-8.013 Non-Conforming Gear Special Activity Licenses and Exemptions.

(5) GEAR INNOVATION SPECIAL ACTIVITY LICENSE.

(c) FEES AND APPLICATION.

1. No change.

2. An applicant for a Gear Innovation SAL must complete and submit a Gear Innovation SAL application form provided by the Commission (Form DMF-GISAL (9/09 ~~2/09~~)).

(8) NONPROFIT CORPORATION SPECIAL ACTIVITY LICENSE.

(c) FEES AND APPLICATION.

1. No change.

2. An applicant for a Nonprofit Corporation SAL must complete and submit a Nonprofit Corporation SAL application form provided by the Commission (Form DMF-NPSAL (9/09 ~~2/09~~)).

No other changes were made to the rule amendments as proposed.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NO.: RULE TITLE:

69A-52.003 Application

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 28, July 17, 2009 issue of the Florida Administrative Weekly.

DFS-K3-1973 adopted in subsection (5) has been changed.

DFS-K3-1528 adopted in subsection (6) has been changed. To obtain copies of the forms, please see the State Fire Marshal website, <http://www.fldfs.com/SFM/>, or contact Lesley Mendelson, (850)413-3604.

**Section IV  
Emergency Rules**

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

RULE NO.: RULE TITLE:

12DER09-2 Reporting of Fiscal Data by Fiscally Constrained Counties to the Department of Revenue For Local Fiscal Year 2009-2010

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Chapter 2008-173 (Senate Bill 1588), Laws of Florida, authorized the Department of Revenue to adopt emergency rules that could remain in effect for 18 months and that could be renewed. These acts further provided that all conditions imposed by Chapter 120, Florida Statutes, were deemed to be met.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Legislature expressly authorized the Department of Revenue to adopt emergency rules that implement the provisions of Chapter 2008-173 (Senate Bill 1588), Laws of Florida. The law provides that these emergency rules remain in effect for a period of 18 months and that they may be renewed. The form included here is based on the requirements of Section 218.12, Florida Statutes, as passed by the 2008 Legislature. The Department of Revenue has taken several actions to inform interested parties about the form, procedures, and emergency rules that are being developed to implement this new law, and to give such parties an opportunity to review and comment. These interested parties include Property Appraisers, county governments and the professional associations that represent them. The actions that the Department has taken include: making the proposed drafts available via the Internet for public review and comments at: <http://dor.myflorida.com/dor/property/fiscal.html>, establishing a Department email address